

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re LIDODERM ANTITRUST LITIGATION

Case No. 14-md-02521-WHO

THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER CLASS
PLAINTIFFS' ACTIONS

**DECLARATION OF PETER KOHN IN
SUPPORT OF DIRECT PURCHASER
CLASS PLAINTIFFS' REPLY IN
SUPPORT OF MOTION FOR CLASS
CERTIFICATION**

1 Peter Kohn, subject to the penalties of perjury, does hereby declare as follows:

2 1. I am a partner in the law firm Faruqi & Faruqi, LLP, attorneys for Plaintiff Rochester
3 Drug Co-Operative, Inc. and co-lead counsel in the above-captioned case. I am admitted to practice
4 *pro hac vice* in this matter. I submit this declaration in support of Direct Purchaser Class Plaintiffs'
5 Reply in Support of Motion for Class Certification.

6 2. Attached as Exhibit 52 is a true and correct copy of the October 13, 2016 deposition of
7 Gregory Leonard. This testimony was designated as "highly confidential."

8 3. Attached as Exhibit 53 is a true and correct copy of John H. Johnson & Gregory K.
9 Leonard article, *Rigorous Analysis of Class Certification Comes of Age*.

10 4. Attached as Exhibit 54 is a true and correct copy of Defendants Actavis, Inc.'s (F/K/A
11 Watson Pharmaceuticals, Inc.), Watson Laboratories, Inc.'s, Actavis, PLC's, Anda, Inc.'s, Anda
12 Pharmaceuticals, Inc.'s and Valmed Pharmaceuticals, Inc.'s Supplemental Response To Direct
13 Purchaser Plaintiffs' Interrogatory Number 3.

14 5. Attached as Exhibit 55 is a true and correct copy of Defendant Endo Pharmaceuticals
15 Inc.'s Objections and Responses to Government Employees Health Association's First Set of
16 Interrogatories to Defendant Endo Pharmaceuticals Inc.

17 6. Attached as Exhibit 56 is a true and correct copy of Defendant Teikoku Pharma USA,
18 Inc.'s Objections and Responses to Plaintiff Government Employees Health Association's
19 Interrogatories.

20 7. Attached as Exhibit 57 is a true and correct copy of excerpts of the January 7, 2016
21 deposition of John Spigiel.

22 8. Attached as Exhibit 58 is a true and correct copy of ACTLIDODERM00185197-225,
23 which was previously marked as Deposition Exhibit 1356. This document was designated as
24 "confidential".

25 9. Attached as Exhibit 59 is a true and correct copy of excerpts of the April 12, 2016
26 deposition of Paul Bisaro. This testimony was designated as "highly confidential."

27 10. Attached as Exhibit 60 is a true and correct copy of ACTLIDODERM00022752 and
28 ACTLIDODERM00022810. These documents were designated as "highly confidential."

1 11. Attached as Exhibit 61 is a true and correct copy of ACTLIDODERM0013667-68R,
2 which was previously marked as Deposition Exhibit 1575. This document was designated as
3 “confidential.”

4 12. Attached as Exhibit 62 is a true and correct copy of ACTLIDODERM00114745-47,
5 which was previously marked as Deposition Exhibit 1141. This document was designated as
6 “confidential.”

7 13. Attached as Exhibit 63 is a true and correct copy of ACTLIDODERM00931009-071.
8 This document was designated as “highly confidential.”

9 14. Attached as Exhibit 64 is a true and correct copy of ENDO-LID-AT-002093816,
10 which was previously marked as Deposition Exhibit 1042. This document was designated as “highly
11 confidential.”

12 15. Attached as Exhibit 65 is a true and correct copy of ENDO-LID-AT-002280292-294,
13 which was previously marked as Deposition Exhibit 1043. This document was designated as “highly
14 confidential.”

15 16. Attached as Exhibit 66 is a true and correct copy of excerpts of the December 22, 2015
16 deposition of Roberto Cuca. This testimony was designated “highly confidential.”

17 17. Attached as Exhibit 67 is a true and correct copy of ENDO-LID-AT-002236672-73,
18 which was previously marked as Deposition Exhibit 1044. This document was designated as “highly
19 confidential.”

20 18. Attached as Exhibit 68 is a true and correct copy of ENDO-LID-AT-000171893-94,
21 which was previously marked as Deposition Exhibit 1669. This document was designated as
22 “confidential.”

23 19. Attached as Exhibit 69 is a true and correct copy of ENDO-LID-AT000565797-98.
24 This document was designated as “confidential.”

25 20. Attached as Exhibit 70 is a true and correct copy of ENDO-LID-AT-000364646-56,
26 which was previously marked as Deposition Exhibit 1028. This document was designated as
27 “confidential.”
28

21. Attached as Exhibit 71 is a true and correct copy of TEI-AT0306628-37. This document was designated as “highly confidential.”

22. Attached as Exhibit 72 is a true and correct copy of ACTLIDODERM00298461-752, which was previously marked as Deposition Exhibit 1184. This document was designated as “highly confidential.”

23. Attached as Exhibit 73 is a true and correct copy of ACTLIDODERM00088646-724, which was previously marked as Deposition Exhibit 1185. This document was designated as “confidential.”

24. Attached as Exhibit 74 is a true and correct copy of ACTLIDODERM00089251-315, which was previously marked as Deposition Exhibit 1186. This document was designated as “confidential.”

25. Attached as Exhibit 75 is a true and correct copy of ACTLIDODERM00090781-928. This document was designated as “highly confidential.”

26. Attached as Exhibit 76 is a true and correct copy of ACTLIDODERM00132693R-94, which was previously marked as Deposition Exhibit 1189A. This document was designated as “confidential.”

27. Attached as Exhibit 77 is a true and correct copy of excerpts of the April 26, 2016 deposition of Michael Moes. This testimony was designated as “highly confidential.”

28. Attached as Exhibit 78 is a true and correct copy of ENDO-LID-AT-002102477-78, which was previously marked as Deposition Exhibit 1547. This document was designated as “confidential.”

29. Attached as Exhibit 79 is a true and correct copy of *Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 1999 and Fed. Courts Improvement Act of 1999: Hrg. on H.R. 2112 and H.R. 1752 Before the Subcomm. on Courts and Intellectual Prop. of the Comm. on the Judiciary*, 106th Cong. 130 (1999).

30. Attached as Exhibit 80 is a true and correct copy of excerpts of the March 16, 2016 deposition of American Sales Company, LLC’s 30(b)(6) Witness, Laura James. Portions of this excerpt were designated “highly confidential.”

31. Attached as Exhibit 81 is a true and correct copy of ACTLIDODERM00068826-43.

This document was designated as “highly confidential.”

32. Attached as Exhibit 82 is a true and correct copy of ACTLIDODERM00068821-22.

This document was designated as “highly confidential.”

33. Attached as Exhibit 83 is a true and correct copy of ACTLIDODERM00068823-25.

This document was designated as “highly confidential.”

34. Attached as Exhibit 84 is a true and correct copy of AHOLD 10246, AHOLD 10253, AHOLD 10258, AHOLD 10261, AHOLD 10265, AHOLD 10270, AHOLD 10275, AHOLD 10281. These documents were designated as “highly confidential.”

35. Attached as Exhibit 85 is a true and correct copy of excerpts of ACTLIDODERM00561918-3387. This document was designated as “highly confidential.”

36. Attached as Exhibit 86 is a true and correct copy of AHOLD 005905-17. This document was designated as “highly confidential.”

37. Attached as Exhibit 87 is a true and correct copy of excerpts of the February 11, 2016 deposition of Watson's 30(b)(6) Witness, Andrew Boyer. This testimony was designated as "highly confidential."

38. Attached as Appendix B is an index of Exhibits 52-87.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of October 2016 at Jenkintown, Pennsylvania.

/s/ *Peter R. Kohn*

Peter R. Kohn